

REMARKS

Reconsideration of this application is respectfully requested.

The indication of claims 3, 5 and 6 as having allowable subject matter is acknowledged with appreciation.

Claims 2, 3 and 13-17 are rejected under 35 USC 112, second paragraph. In response, claim 2 is canceled, claim 3 is amended to depend directly from claim 1, and claims 13 and 16 are amended.

The rejection of claims 1, 2, 7 and 13-17 under 35 USC 102(e) as being anticipated by Kardash is respectfully traversed. For a prior art reference to anticipate in terms of 35 U.S.C. 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). (Emphasis added.) For the reasons explained below, Kardash does not identically show every element of claims 1 and 13.

Claim 1 features applying power to a spindle motor and removing the power from the spindle motor if the control voltage exceeds a predetermined voltage threshold. The Office Action states that Kardash shows power is selectively removed from motor windings. Kardash specifically discloses at col. 6, lines 5-14:

A pulse signal generator 50 is coupled to the comparator 48 for generating drive control pulses for the coil driver of the selected coil, wherein each pulse includes: (1) an ON period corresponding to said first state whereby the coil driver applies a drive voltage to the coil until the level of current flowing through the coil reaches the selected current level, and (2) said fixed OFF period triggered by said second state whereby the coil driver cuts off the drive voltage for a fixed time interval.

However, this disclosure only teaches cutting off voltage to a coil, not the spindle motor. In fact, Kardash discloses that power is not removed from the spindle motor. At col. 7, lines 39-42, Kardash discloses "BEMF voltage of each coil 16 is sensed by turning the coil driver off from about -7.5 to about +7.5 degrees around the zero crossing, while the other two coils are sinking and sourcing currents." (Emphasis added.) The underlined portion clearly shows that power is still being provided to the other coils.

Thus power is still being applied to the spindle motor. This disclosure does not identically show the claim 1 feature of removing the power from the spindle motor if the control voltage exceeds a predetermined voltage threshold. Since this feature is not identically shown, claim 1 is not anticipated by Kardash and is allowable. Dependent claims 2 and 7 are also allowable due to their dependence on allowable claim 1.

Claim 13 features a spindle motor controller that is "adapted to measure power and, if a threshold value is at least met, decouple the power to the spindle motor." Similar to the argument made for claim 1, Kardash does not identically disclose decoupling the power to the spindle motor. Instead, Kardash simply discloses not applying a drive voltage to a particular coil while the other coils are sinking and sourcing current. Since Kardash does not identically show that claim 13 feature, claim 13 is not anticipated and is allowable. Claims 14-17 are also allowable due to their dependence on allowable claim 13.

The rejection of claim 4 under 35 USC 103(a) as being unpatentable over Kardash in view of Sakaguchi is respectfully traversed. As explained above, Kardash does not identically disclose a feature of claim 1. The Office Action provides no objective evidence that that feature is suggested to one skilled in the art. Hence, claim 1 is not obvious in view of Kardash. Sakaguchi does not overcome this deficiency of Kardash. As a result, claim 4 is allowable due to its dependence on allowable claim 1.

The rejection of claim 8 under 35 USC 103(a) as being unpatentable over Matsubara in view of Plutowski is respectfully traversed.

Currently amended claim 8 features the power supply intended to provide power to the spindle motor. Matsubara discloses when a battery charger is incorrectly connected to a transistor. Matsubara discloses that the battery charger is not intended to provide power to any of the motors. Thus, Matsubara is deficient because it does not teach or suggest this claim feature. Plutowski does not overcome this deficiency. Therefore, claim 8 is not obvious and is allowable.

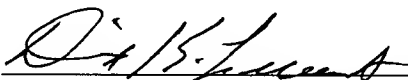
As discussed above, claims 1-8 and 13-17 are allowable over the applied references. Accordingly, the examiner is respectfully requested to allow those claims, along with new claims 31 and 32, and pass this case to issuance.

It is believed that no fees are due with this filing. If a petition and/or fee payment is required to allow consideration of substantive information submitted herewith, however, please consider this a petition and/or fee payment authorization therefore. The Commissioner is authorized to charge any fees required for this filing or credit any surplus to Deposit Account 19-1038.

Respectfully submitted,

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(Assignee of Entire Interest)

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Date



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